IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

CRP.No. 979 of 2007()

OPELE.340/2002 of ADDL.DISTRICT COURT (ADHOC)-II, ERNAKULAM
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REVN. PETITIONER: RESPONDENT:

KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY SECRETARY, KERALA STATE ELECTRICITY BOARD, THIRUVANANTHAPURAM.

BY ADV. SRI. ASOK M.CHERIYAN, SC, KSEB

RESPONDENTS: PETITIONER:

K.S.MOHAMMED, AGED 60 YEARS,
S/O.LATE K.A.SAYED MOHAMMED, H.NO.17/396,
KARIMPARAKKAL, W.KACHERIPADI, PALLURUTHY,
KOCHI-6.3

BY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 13/11/2007, ALONG WITH CRP 980/07 AND OTHER CONNECTED MATTERS, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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C.R.P. NOs. 979, 980, 981, 982
984, 986 and 987 OF 2007

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Dated this the 13th day of November, 2007.

O R D E R

All these revision petitions are preferred against the common order passed by the Addl. District Judge(Adhoc-II), Ernakulam in O.P.(Ele.)340, 334, 337, 336, 335, 339 and 338/02. Electric lines were drawn over the property and it was for the purpose of drawing 110 electric line. Improvements valuation statement was also prepared by the Board. In all the properties the area covered ranges from 750 sq.links to 3 cents situated within the limits of the Cochin Corporation. An Advocate Commissioner was appointed to ascertain the nature of damages that has been caused to the property. The Commissioner submitted a report and no objection was filed by the respondent/K.S.E.B. The entire property is situated very near roads and the distance between these roads and the properties ranges from 20 meters to 50 meters. Ext.A1 was produced in support to

show that the land value of the property comes to about 31531.53 per cent. The property covered by Ext.A1 having an extent of 6 ½ cents with a house was sold for a consideration of Rs.3,60,000/-. The value of the building was fixed at Rs.1,50,000/- and therefore the average rate per cent comes to Rs.31,531/-. But the Court below took into consideration that the present property is situated little away from the roads and reduced the centage value to Rs.20,000/-. The Court also did not accept the value shown in Ext.A1 but reduced it to Rs.20,000/- per cent. The Court also entered into a definite finding that small crops like plantains can alone be cultivated below the lines in the said properties. So taking into consideration the total materials available the Court held that the centage value has to be fixed at Rs.20,000/-. Since the property cannot be put into full use and only cultivation like plantain can be done in the property granted a diminution in land value at 35%. In the absence of any other concrete materials to hold otherwise

one cannot find fault with the Court below in arriving at such a conclusion. I have already mentioned that the land involved only ranges from 750 sq.links to 3 cents and the enhanced value also appears to be very reasonable. Therefore, I do not find any ground to interfere with the orders passed by the learned Addl. District Judge in fixing the enhanced compensation. Therefore, all these C.R.Ps. lack merit and are dismissed.

M.N. KRISHNAN, JUDGE.

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